## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:15CV0044-GCM-DSC

TODD W. SHORT,	)	
Plaintiff,	)	
vs.	)	ORDER
STATE OF NORTH CAROLINA, et al.,	)	
Defendant.	)	

This matter is before the Court upon the memorandum and recommendation of United States Magistrate David S. Cayer, filed January 12, 2016. The parties were advised that pursuant to 28 U.S.C. §636(b)(1)(c), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. Plaintiff timely filed an objection, and Defendants timely filed responses.

After an independent and thorough review of the magistrate's memorandum, Plaintiff's objections thereto, Defendants' responses to the objections, and a <u>de novo</u> review of the record, the Court concludes that the recommendation to grant the Motions to Dismiss is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, and the Court hereby GRANTS the following motions:

- "Verified Motion to Dismiss Action Against Defendants Matney & Associates,
   P.A. and David E. Matney, III" (document #125) filed August 24, 2015;
- 2. "Verified Motion to Dismiss Action Against Defendant Lawrence E. Thompson, III" (document #127) filed August 24, 2015;

- 3. Defendant Marianne Redmond's "Motion to Dismiss Pursuant to Rule 4(M) of the Federal Rules of Civil Procedure" (document #147) filed August 28, 2015;
- 4. Defendant F. Lachicotte Zemp, Jr.'s "Motion to Dismiss Pursuant to Rule 4(M) of the Federal Rules of Civil Procedure" (document #150) filed August 28, 2015;
- 5. "Motions [to Dismiss] of Steven Kropelnicki and Carter & Kropelnicki, P.A." (document #160) filed September 2, 2015;
- 6. "Defendant Ace American Insurance Company's Motion to Dismiss" (document#176) filed September 7, 2015;
- 7. "Defendant Great American Insurance Company's Motion to Dismiss the Complaint" (document #177) filed September 8, 2015;
- 8. "Defendant Roberts & Stevens, P.A.'s Motion to Dismiss for Failure to State a Claim" (document #183) filed September 11, 2015;
- 9. "Motion of Defendant Jennifer B. Formichella to Dismiss Pursuant to Rule 4(m) of the FRCP" (document #199) filed September 15, 2015;
- 10. "Motion to Dismiss by Defendant John Bramlett" (document #206) filedSeptember 18, 2015;
- 11. "Motion To Dismiss Pursuant To 12(b)(6)" by Defendant Buncombe County,
  North Carolina (document #211) filed September 18, 2015;
- 12. "Motion to Dismiss on Behalf of Defendant William E. Loose Fed. R. Civ. P. 12(b)(1), (5) and (6) and Motion to Strike Fed. R. Civ. P. 12(f)" (document #218) filed September 30, 2015;
- 13. Defendants Sandra Layton, Blair Clark and Parkway Behavioral Health, LLC's "Motion to Dismiss" (document #220) filed October 6, 2015;

14. Defendant Arthur Carder's "Motion to Dismiss" (document #224) filed October 6, 2015;

15. Defendants Elizabeth A. Martineau, Guiselle F. Mahon and Martineau King,

PLLC's "Motion to Dismiss" (document #228) filed October 8, 2015;

16. "Motion to Dismiss on Behalf of Defendant North Carolina Department of Health

and Human Services (Fed. R. Civ. P. 12(b)(1), (2) and (6))" (document #230) filed October 8,

2015;

17. Defendant Smoky Mountain LME/MCO's "Motion to Dismiss" (document #232)

filed October 8, 2015;

18. "Motion to Dismiss by Defendants Cheryl A. Dommer and Scottsdale

Insurance Company" (document #234) filed October 8, 2015; and

19. Defendants State of North Carolina, North Carolina Clerks of Superior Court for

the North Carolina Unified Court System, Richard Schumacher, Robert H. Christy, Jr.,

Edwin D. Clontz, Steven D. Cogburn, Tammy C. Case, and Ann Melton's "Motion to Dismiss"

(document #236) filed October 15, 2015.

IT IS FURTHER ORDERED that the Court declines to exercise supplemental

jurisdiction over any remaining state claims; and

IT IS FURTHER ORDERED that any remaining appeals and motions are hereby

DISMISSED AS MOOT.

Signed: February 22, 2016

Graham C. Mullen

United States District Judge